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**MEMO ENDORSED**

December 7, 2006

**VIA FACSIMILE**

Honorable P. Kevin Castel  
 United States District Judge  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl Street, Room 2260  
 New York, New York 10007-1312

Re: NetRatings, Inc. v. WhenU.com, Inc.;  
Case No. 06 Civ. 3356 (PKC)

Dear Judge Castel:

We represent NetRatings, Inc. ("NetRatings") in the above-referenced action. Pursuant to Rule 2A of the Court's Individual Practices, and further to our conversation with the Court's clerk, Drew D'agostino, we are writing to request a pre-motion conference to move to amend the Complaint. NetRatings seeks to amend its complaint based upon information which was discovered yesterday, December 6, 2006, during the Federal Rule 30(b)(6) deposition of WhenU.com, Inc.'s ("WhenU") Chief Technology Officer.

The proposed amended complaint would add one count of patent infringement against existing defendant WhenU, U.S. Patent No. 6,763,386 ("386 Patent"). The '386 Patent would be asserted with respect to certain of defendant's products which are already being accused under the existing Complaint. Because the same products are involved as are already the subject of discovery proceeding in the case, the amendment to the Complaint will not require adjustment of any of the other deadlines set by the Court.

Having just learned of the basis for the amendment yesterday, NetRatings promptly notified the defendant of its intention to seek to amend the Complaint last night. We were able to confer with defendant's counsel this afternoon; however, defendant's counsel was unable to reach its client today to discuss whether it would stipulate. Defendant's counsel expects it will require a few days to consider the issue with its client and provide a response. The deadline set by the Court for motions to amend is tomorrow, December 8, 2006.

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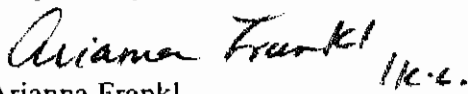
*Deadline for consideration of motion to amend extended to December 18 in the hopes that the proposed motion can be stipulated resolved by stipulation.*  
**SO ORDERED.**  
*[Signature]*  
 12-8-06

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In view of the foregoing, and to allow the defendant time to consider whether it will stipulate, NetRatings respectfully requests that the deadline for motions to amend be extended one week, to December 15, 2006. Defendant consents to this extension, and NetRatings would notify the Court early next week as to whether Defendant will stipulate to the motion to amend.

Alternatively, should the Court decline to extend the deadline for motions to amend, NetRatings respectfully requests a pre-motion telephone conference for tomorrow, Friday December 8, to address NetRatings' proposed motion to amend the Complaint.

Respectfully submitted,

  
Arianna Frankl

cc: Celia Goldwag Barenholtz, Esq. (Counsel for WhenU.com, Inc.)  
Brian M. Burcker, Esq. (Counsel for WhenU.com, Inc.)  
Jeffrey Leaning, Esq. (Counsel for WhenU.com, Inc.)